

**20903. Misbranding of Nu-Vita yeast. U. S. v. 10 Bags of Nu-Vita Yeast. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29918. Sample no. 35928-A.)**

This action involved an interstate shipment of a product that was represented to be pure yeast, and was found to consist essentially of corn meal with a small proportion of yeast. The label of the article bore unwarranted curative and therapeutic claims.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 10 bags of Nu-Vita yeast at Denver, Colo., consigned by the Miller Products Co. alleging that the article had been shipped in interstate commerce on or about January 23, 1933, from Waterloo, Iowa, to Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The labeling consisted of a shipping tag and a pink and a white card shipped with the article.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of corn meal and a barley product, with approximately 1 percent of yeast.

It was alleged in the libel that the article was misbranded in that the statements, (pink card) "Nu-Vita Yeast is a pure unadulterated bacteria product free of any foreign material or ingredients", (shipping tag) "Nu-Vita Stock Yeast", were false and misleading. Misbranding was alleged for the further reason that the following statement on the white card, regarding the curative and therapeutic effects of the article, were false and fraudulent: "White diarrhea and coccidiosis \* \* \* Necro and Scours. In severe cases of Necro always feed as a slop."

On May 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20904. Misbranding of Necro-Cide. U. S. v. Elmer H. Mayes (Baker-Mayes Co.). Plea of guilty. Fine, \$10. (F. & D. no. 28209. Sample no. 2526-A.)**

Examination of the drug preparation Necro-Cide disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the labels of the cans.

On January 18, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Elmer H. Mayes, trading as Baker-Mayes Co., Omaha, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about April 5, 1932, from the State of Nebraska into the State of South Dakota, of a quantity of Necro-Cide that was misbranded. The article was labeled in part: "Necro-Cide \* \* \* For Treatment of Necrotic Enteritis, Flu and Mixed Infection. \* \* \* Manufactured by Baker-Mayes Co. Live Stock Exchange, Omaha, Nebr."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium bicarbonate, small proportions of ammonium chloride, a sulphate, a thiosulphate, a magnesium compound, phenolic substances including guaiacol and an extract of a laxative plant drug, and water, colored with caramel.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the labels of the cans, falsely and fraudulently represented that it was effective as a treatment for necrotic enteritis, flu, and mixed infection.

On February 18, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20905. Adulteration and misbranding of Nestor emulsion of pure cod liver oil. U. S. v. 72 Packages of Nestor Emulsion of Pure Cod Liver Oil. Default decree of destruction. (F. & D. no. 28969. Sample no. 13902-A.)**

This case involved an interstate shipment of a drug preparation that contained less cod-liver oil and less alcohol than declared on the label. The bottle label also bore unwarranted curative and therapeutic claims.

On September 28, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 72 packages of Nestor emulsion of pure cod liver oil at Louisville, Ky., alleging that the article had been shipped on or about March 4, 1932, by the Nestor Drug & Chemical Co., from Chicago, Ill., to Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The shipping package was labeled in part: "25% Bourbon Whiskey Equal to 12½% Alcohol"; the bottle bore the statement, "Contains 6% Alcohol."

Analysis of a sample of the article by this Department showed that it consisted essentially of an emulsion containing chiefly cod-liver oil (42.7 percent), small proportions of calcium hypophosphite, sodium hypophosphite, phosphoric acid, yolk of egg, (alcohol 3.76 percent), and water, flavored with methyl salicylate.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, "Cod Liver Oil 50% \* \* \* 6% Alcohol."

Misbranding was alleged for the reason that the statement on the shipping carton, "25% Bourbon Whiskey Equal to 12½% Alcohol", and on the bottle label, "This Preparation Contains 6% Alcohol \* \* \* Formula Cod Liver Oil 50%", were false and misleading and deceived purchasers. Misbranding was alleged for the further reason that the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since the statements made were incorrect, and for the further reason that the following statements, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle label) "A reliable preparation for many forms of Pulmonary Diseases and other Lung Troubles, Coughs, \* \* \* and General Debility."

On April 11, 1933, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20906. Adulteration and misbranding of codeine sulphate tablets. U. S. v. Sutliff & Case Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 29369. Sample no. 6539-A.)**

This case involved an interstate shipment of drug tablets, each represented to contain one fourth grain of codeine sulphate. Samples taken from the shipment were found to contain approximately one tenth grain of codeine sulphate.

On December 29, 1932, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Sutliff & Case Co., Inc., Peoria, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 3, 1932, from the State of Illinois into the State of Iowa, of a quantity of codeine sulphate tablets that were adulterated and misbranded. The article was labeled in part: "Compressed Tablet Triturates \* \* \* Codeine Sulphate ¼ Gr. \* \* \* Sutliff & Case Co. Manufacturing Chemists, Peoria."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each tablet was represented to contain one fourth grain of codeine sulphate, whereas each tablet contained not more than 0.09 grain, i.e., less than one tenth grain of codeine sulphate.

Misbranding was alleged for the reason that the statement on the label, "Tablet Triturates \* \* \* Codeine Sulphate, ¼ gr.", was false and misleading, since the tablets contained less than one fourth of codeine sulphate.

On April 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20907. Adulteration and misbranding of Iodisks. U. S. v. Buffington's, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 29395. I. S. no. 42898.)**

This action was based on an interstate shipment of Iodisks, each of which was represented to contain, among other drugs, three eighths grain of mercuric iodide red. Analysis showed that the article contained less mercuric iodide red than declared. The disks, when dissolved, would not make a solution of the density represented.